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Security Council

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Letter dated 28 October 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 23 October 2001 from Mr. Naji Sabri, Minister for Foreign Affairs of Iraq. Appended to the Minister's letter is a table showing violations of Iraq's international boundaries committed by United States and British warplanes flying across the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 29 September to 12 October 2001.

There were 58 violations of Iraq's boundaries from bases in Kuwait, and the United States and the United Kingdom continued to enforce the unlawful no-flight zones in northern and southern Iraq with logistic support and funding provided by Kuwait, Saudi Arabia and Turkey.

The Minister urges you to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you immediately they occur and to specify the number and nationality of the warplanes that violate the demilitarized zone, given that such violations constitute wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations. He further asks you to alert the Security Council to its responsibility to halt this aggression and ensure that its perpetrators are held accountable for it under international law.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Ambassador
Permanent Representative

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Annex to the letter dated 28 October 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Further to our letter dated 4 October 2001 (S/2001/955, annex), I should like to inform you that United States and British warplanes committed 58 violations of Iraq's international boundaries from bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 29 September to 12 October 2001. As shown in the table appended to this letter, the relevant Iraqi agencies have determined that the violations committed were as follows:

1. Armed aerial activity by the United States and the United Kingdom, violating our international boundaries from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone, comprised 58 armed sorties in the following governorates: Dhi Qar, Muthanna, Basrah, Maysan and Qadisiyah.

2. Our technical systems identified the aircraft violating Iraq's airspace on a daily basis as American F-14s, F-15s and F-16s and British Tornadoes.

3. An AWACS aircraft operating inside Saudi airspace and an E-2C aircraft operating inside Kuwaiti airspace provided support to all of the United States and British aircraft that carried out armed and hostile sorties, violating Iraq's airspace by way of the demilitarized zone.

4. Between 28 September and 10 October 2001, a total of 16 remotely piloted aircraft violated Iraq's airspace from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone.

All of the violations in question were committed by way of the demilitarized zone in which UNIKOM is stationed. One of UNIKOM's primary responsibilities is to monitor such hostile military operations and to report them and endeavour to halt them immediately.

The enforcement by the United States and the United Kingdom of the no-flight zones in northern and southern Iraq is an internationally unlawful act and a flagrant violation of the Charter of the United Nations and the established norms of international law. It constitutes an illegal use of armed force against Iraq's sovereignty, independence and territorial integrity, and it is to be regarded as an ongoing act of aggression such as accords with the Definition of Aggression approved by the United Nations General Assembly in its resolution 3314 (XXIX) of 14 December 1974. Most of the world's countries have condemned the maintenance of the no-flight zones as representing an illegitimate use of force against an independent State. Your predecessor, Mr. Boutros Boutros-Ghali, has stated that the claim that the Security Council resolutions concerning Iraq authorize the imposition of the no-flight zones is groundless; and at your press conference of 27 June 2001 you affirmed the same fact yourself. Nevertheless, the United States and the United Kingdom, with logistic support and funding provided by Kuwait, Saudi Arabia and Turkey, are persisting undeterred in their contempt for the Charter of the United Nations and international law and are engaging in this cowardly terrorist aggression

against Iraqi civilians and against Iraq's sovereignty, territorial integrity and political independence.

The violations being committed by the United States and the United Kingdom involving 10 to 20 military aircraft on a daily basis are tantamount to an unlawful war. The United Nations must take the measures required under the Charter to halt this aggression forthwith and ensure that those who have committed it bear full international responsibility for it, including liability for the payment of compensation to Iraq.

The statements of UNIKOM to the effect that it is unable to monitor or identify these aircraft are untenable in the light of the scientific and technological capabilities that are available or that UNIKOM is in a position to acquire and utilize in order to meet the requirements of its mandate in full and establish the identity and country of the warplanes that are violating Iraq's sovereign airspace, so that the necessary measures can then be taken by the Security Council to halt these violations and acts of aggression. In another respect, even if UNIKOM did not have the systems needed to identify the type and nationality of these aircraft, the fact that they come from the direction of Kuwait confirms that they are those of the United States and the United Kingdom, because these two countries do not deny that they are engaging in aggression against Iraq on a daily basis from Kuwait. Your report on UNIKOM for the period from 28 March to 4 September 2001 (S/2001/913) indicates as much, and paragraph 6 states that "[it should be noted] that the mission's inability to identify the States responsible for conducting such flights is in no way to be understood as condoning them". You also state in the report that the United States and the United Kingdom have acknowledged that they are continuing to enforce a no-flight zone in southern Iraq.

I accordingly urge you once more to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you immediately they occur and to specify the number and nationality of the warplanes that violate the demilitarized zone and commit aggression against Iraq, given that this constitutes wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations. I also ask you to alert the Security Council to its responsibility to halt this aggression and ensure that its perpetrators, namely the United States, the United Kingdom, Kuwait and Saudi Arabia, are held accountable for it under international law.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Hostile aerial activity violating Iraq's international boundaries from Kuwait and by way of the demilitarized zone, 29 September-12 October 2001

No.	*Date*	*From*	*Time*	*Type*	*Sorties*	*Altitude (metres)*	*Speed (km h)*	*Areas overflown*
1	29 September-5 October	Kuwait	0945-2000	F-14, F-15, drone	32 (including 8 drones)	8,000-10,500	240-780	Basrah, Nasiriyah, Qurnah, Artawi, Jalibah, Shatrah, Qal'at Salih, Salman
2	6-12 October	Kuwait	0720-1820	F-14, F-15, F-16, drone	26 (including 8 drones)	8,000-10,500	240-780	Basrah, Qurnah, Qal'at Salih, Amarah, Nasiriyah, Busayyah, Artawi, Jalibah

Total sorties: 58

Note: The total number of armed aerial violations committed from Kuwaiti territory in the period from 17 December 1998 to 12 October 2001 was 10,523.